

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

839T0537

HOUSE EDUCATION ENGROSSED NO. **HB 1189** 2/10/2012

Introduced by: Representative Greenfield

1 FOR AN ACT ENTITLED, An Act to establish a deadline within each semester after which no
2 student may transfer to a school district other than the resident school district through the
3 enrollment options program.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 13-28-43 be amended to read as follows:

6 13-28-43. A student's parent or legal guardian who wishes to enroll the student, or an
7 emancipated student who wishes to enroll, under the provisions of §§ 13-28-40 to 13-28-47,
8 inclusive, in a South Dakota school district other than the resident district or in a school within
9 the resident district other than the school to which the student has been assigned shall apply on
10 forms provided by the Department of Education.

11 The school board or the board's designee of the district in which the student desires to enroll
12 shall approve or disapprove the application and shall notify the applicant and the resident board,
13 if applicable, of its decision within five days of the decision. The district in which the student
14 desires to enroll shall review the applications in the order received.

15 Transfers to a school district other than the resident school district under the provisions of



1 §§ 13-28-40 to 13-28-47, inclusive, may only take place prior to the last Friday in September
2 during the first semester of any school year, and prior to the last Friday in January during the
3 second semester of any school year. If a school district approves an application for such a
4 transfer after the deadline in the first semester, the transfer will occur at the start of the second
5 semester. If a school district approves an application for such a transfer after the deadline in the
6 second semester, the transfer will occur at the start of the following school year. However, the
7 deadlines for transfer established in this section do not apply to any student seeking to attend
8 an alternative school that is operated by a school district or with which a school district
9 contracts.

10 Intradistrict transfer applications may be accepted and acted upon at any time at the board's
11 discretion if the policies on which the transfer decisions are based are consistent with the other
12 requirements of §§ 13-28-40 to 13-28-47, inclusive.

13 An application may be withdrawn by the applicant prior to the approval of the request and
14 upon notification of the district to which the student applied. Once approved by the district in
15 which the student wishes to enroll, the approved application serves as the applicant's notice of
16 intent to enroll in the nonresident district or desired school during the school year and obligates
17 the student to attend school in the nonresident district or desired school during the school year,
18 unless the affected school board or boards agree in writing to allow the student to transfer back
19 to the resident district or assigned school, or unless the parents, guardians, or emancipated
20 student change residence to another district.

21 Once enrolled in a nonresident district or nonassigned school, the student may remain
22 enrolled and is not required to resubmit annual applications.